



Tri-Valley CAREs

# Sick Worker Newsletter

for former employees of  
LLNL, SNL-CA, and LBNL  
made ill by on the job exposure

Spring 2013

## Analysis of Labor Department's Energy Employees Occupational Illness Compensation Program 2014 Budget Request

*What might budget cuts mean for claimants?*

By: **Terrie Barrie**, edited by *Scott Yundt*

The administrative costs for the Energy Employee Occupational Illness Compensation Program (EEOICPA) have always been high. This is bothersome given that much of it is spent on costly administrative processes that largely result in denying legitimate claimants benefits, rather than on compensation itself. The US Department of Labor ("DOL") just released its budget justification to Congress for FY 2014. It includes some general cost cutting measures, presumably to comport with the forced budget reductions that are part of "sequestration". However, how these cuts will actually occur is worrisome.

DOL anticipates that it will receive a lower number of EEOICPA claims next fiscal year. They expect 12,480 claims, a decrease of almost 9% from the 14,046 claims it received for FY 2012. Despite this expected decrease in claims, DOL is requesting a \$3 million increase for its administrative costs. The savings they project stem entirely from estimated benefits paid out, which are projected to be almost 13% less in 2014 than was paid out in 2012. This estimate suggests that DOL expects to deny 4% more claims than they did in 2012 (Given that there are 9% fewer claims expected, but a 13% drop in compensation).

Some might ask, what's the big deal about a 4% difference? Well, to put a human face to numbers, a 4% decrease represents 125 workers or their survivors who could otherwise qualify for Part B lump sum benefits of \$150,000 or 750 workers who could receive a 10% impairment rating for their condition.

Another area of this budget that is unsettling is DOL's apparent crack down on providing home health care for the approved claimants. It states in its budget request that, "Home health care costs have grown by 1,697 percent over the last seven years from..." (Page 18). It also states concern over the length of time that at these dying workers are receiving home health care, many for a year or two.

However, what these statistics reflect is that the health care provided at home is extending these workers' lives. In other words, it is working! This is exactly the kind of benefit that Congress intended when it enacted the home health care provision. These workers' lives have been cut short because the government allowed them to be contaminated on the job. Many of these workers had no idea what the health effects were of the toxic and radioactive soup they

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### LLNL Sick Worker Meeting Coming Up!

The next Sick Worker Support Group Meeting is next Thursday, May 2nd at 12 (noon) at the Livermore Public Library, Community Room A, 1188 So. Livermore Ave.

Current and former workers and their family are invited to join us. Please call (925) 443-7148, or email Scott Yundt at [scott@trivalleycares.org](mailto:scott@trivalleycares.org) for more.

### Changes to the Local Former Worker Screening Program

The Former Worker Screening Program for LLNL and Sandia, Livermore has changed its name, closed its local office and changed the university that it is affiliated with.

Now known as the Worker Health Protection Program, the screening program for former employees is now implemented by the United Steelworkers and Queens College of the City University of New York, through funds provided by the Department of Energy.

Intake will now be taken exclusively over the phone and the screenings continue to be located at Kaiser Occupational Health clinics in the Tri-Valley area.

Please note that participants are eligible for repeat medical examinations every three years at no cost! So if it has been three or more years since your last screening, be sure to call today. Their phone number is: 1-866-460-0628.



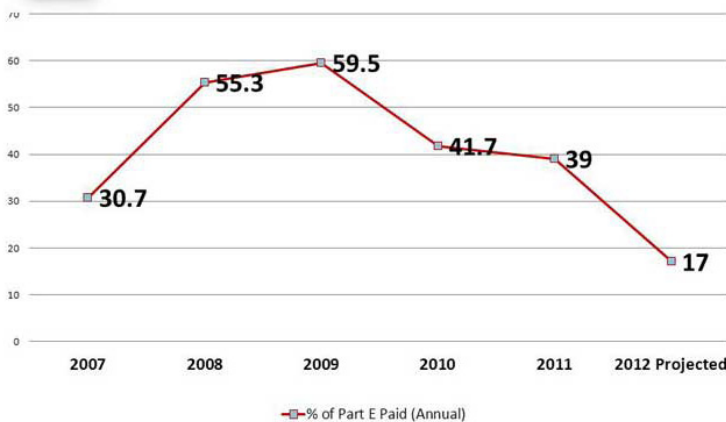
# EEOICPA Payment Rates at All-time Low for 2012

Using DOL's own statistics, our friends over at the Energy Employee Claimant Assistance Project took a look at the payment rates at the end of October 2012 and found that both the Part B and E payment rates had dropped again in 2012. Part E claims are now being paid at an alarmingly low 17% of claims filed.

Using DOL's statistics it appears that Part E claims payment rates dropped drastically in 2012.



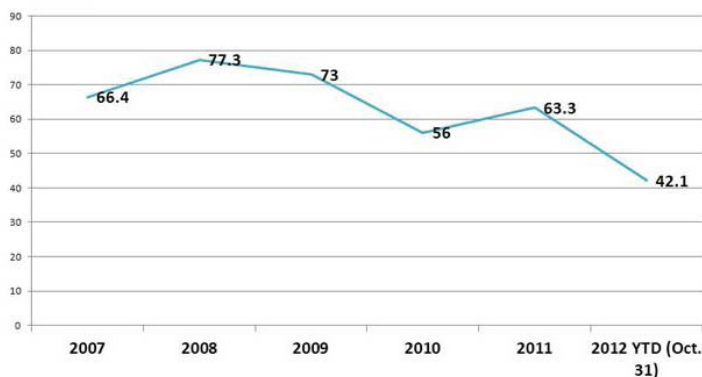
## Part E Percentage Paid



Part B claims payment rates also dropped in 2012.



## Part B Percentage Paid



When asked about the decline in payment rates, a DOL official did not have an answer, but suggested that some of the problem may lie with the "system change-over" in April 2012. If this is the case we should see either a revision of these reported numbers or an increase in payments during 2013. We will keep you updated.

## Budget Cuts *Continued from Pg. 1*

toiled in daily. The very least the government can do is to provide them with the best care at the end of their lives.

There are hundreds of home health care companies in the country. DOL alleges in its budget request that many home health care providers are overbilling the government when caring for these dying nuclear weapons workers. The request suggests that DOL is planning to try to cut home health care costs by utilizing a district medical consultant instead of relying on the workers' personal physician to determine the level of home health care a dying worker needs. Another possibility is that DOL will pressure personal physicians to reduce the level of care they authorize in order to save money.

The DOL's focus on unsubstantiated claims of external fraud is frustrating given its own internal waste of taxpayer dollars. For example, DOL contracted with Paragon Technical Services for over \$12 million to manage the Site Exposure Matrix (SEM) database. This contract is about 7 years old and the SEM is still not complete. The database is missing entire DOE facilities, classes of workers who had the potential of being exposed to a certain toxic substance are missing and even some toxic substances themselves are missing.

The folks at the Energy Employee Claimant Assistance Project (EECAP) and others asked DOL for an investigation into the SEM's failures. After years of pressure, the DOL contracted with the Institute of Medicine (IOM) to review the SEM database. IOM reported to DOL on dozens of serious deficiencies with the SEM database. Yet, after spending millions on the database and more investigating its deficiencies, DOL and has done nothing to implement the recommendations of IOM.

Congress should inquire as to why DOL needs \$3 million more dollars for FY 2014 to process fewer EEOICPA claims. Additionally, Congress should ask DOL if the reason for finally initiating, after 7 years, "the process of developing a new measure in FY 2013 to evaluate home health care cases to ensure appropriate prescribed care as well as to provide additional capacity to monitor for instances of fraud" has more to do with cutting benefits to the workers than it does for finding fraudulent billings.

Finally, Congress should inquire as to why DOL did not catch the many problems uncovered by IOM with the SEMs. And why DOL has not adopted IOM's recommendations to improve the SEMs.

Every federal agency is being forced to take budget cuts, it is up to the public to ensure that they are being made in a way that is fair does the least harm possible.

For more information on this and other topics related to EEOICPA, go to the EECAP at: <http://www.eecap.org>